

HOUSE No. 1111

By Mrs. Harkins of Needham, petition of Lida E. Harkins and others relative to educational collaboratives. Education.

The Commonwealth of Massachusetts

PETITION OF:

Lida E. Harkins	Louis L. Kafka
David Paul Linsky	John W. Scibak
Susan W. Pope	Christine E. Canavan

In the Year Two Thousand and Five.

AN ACT RELATIVE TO EDUCATION COLLABORATIVES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 40 of the General Laws is hereby amended by striking
2 out section 4E, as appearing in the 2000 Official Edition, and
3 inserting in place thereof the following section:—
4 Section 4E. Pursuant to the provisions hereof, two or more
5 school committees of cities, towns and regional school districts
6 may enter into a written agreement to conduct education programs
7 and services which shall complement and strengthen the school
8 programs of member school committees and increase educational
9 opportunities for children. The school committees shall collabo-
10 rate to offer such programs and services, and the association of
11 school committees which is formed pursuant hereof to deliver
12 such programs and services shall be known as an education col-
13 laborative. The purpose of the education collaborative shall be to
14 enable school districts to operate more efficiently and economi-
15 cally; assist school districts in improving student performance;
16 and implement initiatives assigned by the general court or the
17 commission of education. The education collaborative shall have
18 a board of directors which shall have the power to select and ter-
19 minate the executive director of the collaborative, to review and
20 approve budgets for the collaborative and to establish policies for

21 the collaborative which are consistent with the requirements of the
22 law. The board of directors shall be comprised of one person
23 appointed by each member school committee. Such person shall
24 be either a school committee member or designee or the superin-
25 tendent of schools. Each board member shall be entitled to one
26 vote. The written agreement which shall form the basis of the
27 education collaborative shall set forth the purposes of the program
28 or service, the financial terms and conditions of membership of
29 the education collaborative, the method of termination of the edu-
30 cation collaborative and of the withdrawal of member school com-
31 mittees, the procedure for admitting new members and for
32 amending the collaborative agreement, the powers and duties of
33 the board of directors of the education collaborative and any other
34 matter not incompatible with law which the member committees
35 deem advisable. The agreement shall be subject to the approval of
36 the member school committees and the commissioner of educa-
37 tion. The commissioner of education shall develop in conjunction
38 with collaborative directors and the Massachusetts Organization
39 of Educational Collaboratives and promulgate a board of educa-
40 tion approved policy on education collaboratives. Such policy
41 shall be reviewed every five years by the board. Each board of
42 directors of an education collaborative shall establish and manage
43 a trust fund, to be known as Education Collaborative Trust Fund,
44 and each such fund shall be designated by an appropriate name.
45 All monies contributed by the member municipalities, and all
46 grants or gifts from the federal government, state government,
47 charitable foundations, private corporations, or any other source,
48 shall be paid to the board of directors of the education collabora-
49 tive and deposited in the aforesaid Fund. The board of directors
50 of the education collaborative shall appoint a treasurer who may
51 be a treasurer of a city, town or regional school district belonging
52 to such collaborative. Such treasurer shall be authorized, subject
53 to the direction of the board of directors of the education collabo-
54 rative, to receive and disburse all monies of the trust fund without
55 further appropriation. The treasurer shall give bond annually for
56 the faithful performance of his duties as collaborative treasurer in
57 a form approved by the department of revenue and in such sum,
58 not less than the amount established by said department, as shall
59 be fixed by the board of directors of the education collaborative.

60 The board of directors of the education collaborative in its discre-
61 tion may pay compensation to the treasurer for his services. No
62 member of the board of directors of the education collaborative
63 shall be eligible to serve as treasurer of said collaborative. The
64 treasurer of the education collaborative board of directors shall
65 have the authority to make appropriate investments of the monies
66 of the Education Collaborative Trust Fund consistent with the pro-
67 visions of section 54 of chapter 44. The board of directors of the
68 education collaborative shall have the authority to borrow money,
69 enter into long-term or short-term loan agreements and mortgages,
70 issue bonds, apply for and be eligible to receive state, federal or
71 corporate grants or contracts subject to the approval of the collab-
72 orative board members. For the purpose of applying for and
73 receiving state, federal, or corporate grants or contracts only, edu-
74 cation collaboratives shall be considered education service agen-
75 cies. The board of directors of the education collaborative shall
76 employ, and fix the compensation of an executive director. The
77 executive director shall manage the education collaborative in a
78 fashion consistent with state and federal law, board of education
79 regulations, and policy determinations of the board of directors.
80 The executive director, consistent with the collaborative's policies
81 and budgetary restrictions, shall be responsible for hiring, super-
82 vising, overseeing, and terminating all personnel employed by the
83 collaborative. The education collaborative shall be deemed to be
84 a public employer, the representative of which is the board of
85 directors. No person shall be eligible for employment by aid col-
86 laborative as a teacher of children with intense special needs,
87 teacher of children with special needs, teacher, guidance coun-
88 selor, school psychologist, school adjustment counselor, school
89 social worker, school nurse, unless he has been granted by the
90 commissioner a provisional or standard certification pursuant to
91 section 38G or chapter 71 or an approval under regulations pro-
92 mulgated by the board of education under chapter 71B or chapter
93 74 with respect to the type of position for which he seeks employ-
94 ment. The executive director of the collaborative shall implement
95 the regulations and guidelines issued pursuant to section 38G of
96 chapter 71. A board of directors of an education collaborative
97 may, upon its request, be exempted by the board of education for
98 any one school year from the requirements of this section to

99 employ certified or approved personnel when compliance there-
100 with would in the opinion of the board constitute a great hardship.
101 Pursuant to Section 2 of Chapter 132 of the Acts of 198, this para-
102 graph shall not apply to any person employed by an education col-
103 laborative on the effective date of that Act. An employee or
104 volunteer of an education collaborative shall be immune from lia-
105 bility to the same extent as an employee or volunteer of a school
106 district. The education collaborative shall be deemed to be a
107 public entity, subject to or exempt from taxation in the same
108 manner as a city, town or regional school district, and shall have
109 standing to sue and be sued to the same extent as a city, town, or
110 regional school district. An education collaborative, acting
111 through its board of directors, may enter into contracts for the pur-
112 chase of supplies, materials, services and for the purchase, sale or
113 leasing of land, buildings and equipment as deemed necessary
114 by such board of directors. A school committee of any city, town
115 or regional school district may authorize the prepayment of
116 monies for any educational program or service of the educational
117 collaborative to the treasurer of an education collaborative, and
118 the city, town or regional school district treasurer shall be required
119 to approve and pay such monies in accordance with the authoriza-
120 tion of the school committee.